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99TH CONGRESS  
2D SESSION

# H. R. 5087

To amend title 5, United States Code, to establish an optional early retirement program for Federal Government employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 1986

Mrs. BENTLEY introduced the following bill; which was referred to the Committee on Post Office and Civil Service

# A BILL

To amend title 5, United States Code, to establish an optional early retirement program for Federal Government employees, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That this Act may be cited as the "Federal Employees'  
4 Optional Early Retirement Act of 1986".

## 5 PURPOSES

6      SEC. 2. The purposes of this Act are—

7 (1) to reduce Federal Government civilian payrolls  
8 in an orderly and voluntary manner;

9 (2) to accommodate the personal plans of certain  
10 Federal Government employees who desire to retire

1 but have not satisfied the applicable age and service  
2 requirement;

3 (3) to allow current Federal Government em-  
4 ployees to retire early in order to avoid possible ad-  
5 verse effects of Federal budgetary conditions; and

6 (4) to provide increased job protection and career  
7 opportunities for Federal Government employees, espe-  
8 cially women, members of minority groups, and young  
9 workers.

10 TEMPORARY VOLUNTARY EARLY RETIREMENT AUTHORITY

11 SEC. 3. Section 8336 of title 5, United States Code, is  
12 amended—

13 (1) by redesignating subsection (m) as subsection  
14 (n); and

15 (2) by inserting after subsection (l) the following  
16 new subsection (m):

17 “(m)(1) Except as provided in paragraph (2) of this sub-  
18 section, an employee who—

19 “(A) during the period beginning October 1, 1986,  
20 and ending January 1, 1987, is separated from the  
21 service, except by removal for cause on charges of mis-  
22 conduct or delinquency—

23 “(i) after completing 25 years of service;

24 “(ii) after becoming 50 years of age and  
25 completing 20 years of service;

1                   “(iii) after becoming 55 years of age and  
2                   completing 15 years of service; or

3                   “(iv) after becoming 57 years of age and  
4                   completing 5 years of service; and

5                   (B) is not entitled to an annuity under section  
6                   8337 of this title or subsection (a), (b), (d), (f), (h), or (j)  
7                   of this section,  
8                   is entitled to an annuity.

9                   “(2) Paragraph (1) of this subsection shall not apply to a  
10                  physician, nurses, a bankruptcy judge, a judge, a judge of the  
11                  United States Court of Military Appeals, or any law enforce-  
12                  ment officer, firefighter, or air traffic controller who is not in  
13                  a supervisory or administrative position, as determined by the  
14                  Director of the Office of Personnel Management.”

15                                   COMPUTATION OF ANNUITY

16                  SEC. 4. The first sentence of section 8339(h) of title 5,  
17                  United States Code, is amended by striking out “or (j)” and  
18                  inserting in lieu thereof “, (j), or (m)”.

19                                   APPLICATION OF AMENDMENTS TO OTHER FEDERAL  
20                                   GOVERNMENT RETIREMENT SYSTEMS

21                  SEC. 5. The President shall extend the application of  
22                  the amendments made by sections 3 and 4—

23                                  (1) to participants in the Central Intelligence  
24                                  Agency Retirement and Disability System and their  
25                                  survivors under section 292 of the Central Intelligence

1 Agency Retirement Act of 1964 for Certain Em-  
2 ployees (50 U.S.C. 403 note);

3 (2) to participants in the Foreign Service Retire-  
4 ment and Disability System and their survivors under  
5 section 827 of the Foreign Service Act of 1980 (94  
6 Stat. 2124; 22 U.S.C. 4067); and

7 (3) if determined appropriate by the President, in  
8 like manner to employees of the executive branch who  
9 are participants in any other Federal Government re-  
10 tirement system including the United States Postal  
11 Service and their survivors.

12 LIMITATION ON REPLACEMENT OF RETIREES

13 SEC. 6. (a) For the purposes of this section—

14 (1) the term "Executive agency" has the meaning  
15 given such term by section 105 of title 5, United  
16 States Code, and includes the military departments  
17 specified in section 102 of such title;

18 (2) the term "employee" has the meaning given  
19 such term by section 2105 of such title, except subsec-  
20 tion (e) of such section; and

21 (3) the term "maximum authorized number",  
22 when used with respect to the civilian employees of an  
23 Executive agency, means the excess of—

24 (A) the full-time employee equivalent of the  
25 total number of civilian employees that were em-

1           ployed in positions in the Executive agency on  
2           October 1, 1986, over

3                   (B) the full-time employee equivalent of the  
4           total number of such employees who have retired  
5           under any Federal Government retirement system  
6           during the period beginning on October 1, 1986,  
7           and ending on January 1, 1987.

8       (b) Notwithstanding any other provision of law, except  
9       as provided in subsection (c), (d), (e), or (f), an appointment  
10      may not be made to a position of civilian employment in an  
11      Executive agency on any day during the period beginning on  
12      October 1, 1986, and ending on October 1, 1991, unless the  
13      full-time employee equivalent of the total number of civilian  
14      employees of the Executive agency after such appointment  
15      on such day does not exceed the maximum authorized  
16      number of civilian employees determined for such agency on  
17      such day.

18      (c)(1) The Director of the Office of Personnel Manage-  
19      ment may waive the application of subsection (b) in the case  
20      of a position or a class of positions in an Executive agency if  
21      the Director determines that—

22           (A) the position or positions are essential for the  
23      performance of a mission of the Executive agency; or

24           (B) the estimated aggregate cost of such positions  
25      or class of positions during the period described in sub-

1 section (b) does not exceed the estimated aggregate  
2 amount of user fees that will be collected by the Fed-  
3 eral Government for services performed during such  
4 period by an employee in such position or employees in  
5 such positions under a program or programs adminis-  
6 tered by such Executive agency.

7 (2) The Director shall consult with—

8 (A) the head of an Executive agency in making a  
9 determination described in paragraph (1)(A) in the case  
10 of such agency; and

11 (B) the Director of the Office of Management and  
12 Budget in making a determination described in para-  
13 graph (1)(B).

14 (d) Subsection (b) does not apply in the case of an indi-  
15 vidual who is reinstated to a position of employment the indi-  
16 vidual formerly held in an Executive agency by order of a  
17 court of the United States having jurisdiction to issue such  
18 order or by reason of an action of the Merit Systems Protec-  
19 tion Board or the Special Counsel of the Merit Systems Pro-  
20 tection Board authorized by law.

21 (e) Individuals employed by an Executive agency on Oc-  
22 tober 1, 1986, and persons appointed to positions in an Exec-  
23 utive agency after such date within the limitation prescribed  
24 in subsection (b) may be transferred during the period re-  
25 ferred to in such subsection to fill a vacancy in such agency,

1 subject to any provision of law (other than subsection (b))  
2 limiting authority to make such transfers.

3 (f) Subsection (b) shall not apply during a period of war  
4 declared by the Congress or a period of national emergency  
5 declared by the Congress or the President.

6 (g) The President shall take appropriate action to ensure  
7 that there is no increase in the procurement of personal serv-  
8 ices by contract by reason of the enactment of the section  
9 except in cases in which it is to the financial advantage of the  
10 Federal Government to increase the procurement of such  
11 services.

12 (h) The Director of the Office of Personnel Management  
13 may prescribe regulations to carry out this section.

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